

### House Committee Activity: April 19 - 21, 2004

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Transportation

##### Matt Barnes

Agriculture  
Commerce

##### Paige Edwards

Judiciary

##### Lawrence Hall, Jr.

State and Local Government

##### Pam Mason

Education

##### Judy Narramore

Health and Human Resources

##### Shannon Romain

Children and Family Affairs  
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*House subcommittees are winding down their activities and announcing closings. Full committees now face the task of hearing recommended bills. (Shown in this file photo is Commerce Chairman Jere Hargrove presenting a bill before a committee.)*

## Agriculture

*Matt Barnes*

The **Agriculture Committee** held its last meeting on Tuesday, hearing from several persons associated with the beef cattle industry regarding potential uses for Phase I tobacco money. Before the presentations, Chairman Davidson thanked the committee members for their cooperation this session and for their bills and presentations. He also thanked the committee staff.

Vice-chair Bone pointed out that Tennessee currently receives \$147 million per year in settlement money, the entire amount being allocated to the General Fund and therefore

shared by all state agencies and not

earmarked for any special purpose. He expressed his hopes that as the state's budget situation improves, more of that money will be allocated for health and agricultural initiatives. As an example, he cited beef cattle as bringing \$1 million to local communities if the value per head were increased by a mere \$25.

Vice-chair Bone recognized Dr. Warren Gill of the UT Institute of Agriculture (Beef Cattle and Sheep Nutrition Management). Dr. Gill introduced several persons with him, including Joe Elliot, president of the American Angus Association, which, with 36,000 members, is the nation's largest cattle organization. Since many tobacco farmers also farm beef cattle, Mr. Elliot

said the beef cattle industry is a natural fit for tobacco settlement money. Besides, unlike other industries, the beef cattle industry ensures the money remains in the state. He suggested three areas necessary to improve the industry in Tennessee:

1. The U.S. Department of Agriculture national ID tag mandate - Mr. Elliot said the deadline is approaching and that Tennessee is not ready. He said software is needed and that farmers need help with the tags on the farm, not at the point of sale.
2. Genetic improvement - He said Tennessee is lagging behind in this area and that catching up would significantly increase the value per head. He favors low interest loans that the private industry could fund and provide guidelines for instead of outright grants.
3. Nutrition for beef cattle - He claimed facilities are needed to store hay adequately since approximately 25 percent of all forage is lost annually due to improper storage. He claimed the days of hiring persons to help with square bales are all but over.

Dr. Jim Neel, also of the UT Institute of Agriculture, agreed with Mr. Elliot's suggestions and further argued for increasing the funding for scholarships and other programs for junior livestock programs such as 4-H and Future Farmers of America. Both are woefully under-funded according to Dr. Neel.

Tennessee Agriculture Commission Ken Givens said he could say "amen" to the other presentations and go home. However, he did mention the beef checkoff program as an area for consideration. The federal program adds \$1 to each head of beef cattle sold to promote the industry and increase safety, particularly in light of the recent mad cow scare. Commissioner Givens said some lower federal courts have held the program to be unconstitutional and that the U.S. Supreme Court is expected to issue a ruling soon. If the federal program ceases, a state program is set to take effect, the difference between the two being the state program allows for a refund of the money if requested.

**The House  
Agriculture  
Committee is  
now closed.**



## **Children & Family Affairs**

*Shannon Romain*

### **Full Committee**

The full committee met this week with nine bills on the calendar. Three bills were referred to Calendar and Rules. **HB 0137** (Rep. Buck), as amended, clarifies that Rule 11 sanctions apply to all petitions for orders of protections, regardless of the court in which the petition is filed, if the court determines that the petition was fraudulently filed. **HB 0781** (Rep. Patton) addresses child custody. Under present law a parent who has been victimized by an intentional violation of a visitation order two or more times within a six month period, may petition the court to find that the other parent is non-compliant with the visitation order. This legislation reduces the six-month period to four months. Also, the bill decreases the time from 20 days to 15 days that the non-compliant parent has to request a hearing to contest the petition. **HB 3121** (Rep. J. DeBerry) redefines "grandparent" for the purposes of grandparent visitation. Two amendments to the bill remove "stepparent's grandparent[s]" from the definition of a grandparent and clarify that the definition is not limited to the relationships listed in the legislation.

**HB 2257** (Rep. Bowers) was sent to a study committee. The bill directs the court to order joint custody if the parents agree; defines a custodial parent and gives the court wide discretion in determining visitation. A previous motion to send the bill to a study committee failed. A motion to reconsider the committee's actions on the bill passed unanimously. The study committee will convene at the call of the chair.

The following bills were deferred one week:

**HB 2899      HB 2848**  
**HB 3337      HB 2543**

**HB 2579** has been deferred to the last committee calendar.

### **Family Justice Subcommittee**

The Family Justice Subcommittee is closed.

### **Domestic Relations**

The Domestic Relations Subcommittee is closed.

## **Commerce**

*Matt Barnes*

### **Full Committee**

The **Commerce Committee** began its Tuesday meeting by briefly discussing **HB 3513** (McMillan). The administration bill, as amended, gives the governor



*Rep. McMillan*

broad authority to address the inherent problems in TennCare. The sponsor asked that the bill be rolled one week to allow the parties to continue their discussions and to make it the best bill possible. Chairman Hargrove, as he did last week, asked the members to review the amendment and attempt to have their questions answered before next week's meeting.

- Passed to Finance, Ways and Means:

**HB 3132** (Turner, B.) has an amendment that re-writes the bill to require all alarm system contractor employees to pass the National Burglar and Fire Alarm Association Level 1 training or equivalent training. Current employees must complete the training within two years of the effective date of the bill, while new employees must complete the training within one year of employment. The amendment also takes care of the \$4,000 original fiscal note, taking whatever costs are involved out of existing reserves.

- Passed to Calendar and Rules:

**HB 3329** (Bowers), as amended, requires contracts for home loans made by a nonprofit lender with a zero or low interest rate to contain a restrictive covenant that prohibits refinancing the loan without the approval of the nonprofit lender's local board of directors as long as the loan is in existence. The amendment also defines "low interest loan" and "home loan." Rep. Bowers said the bill would benefit Habitat for Humanity.

- Rolled:

**HB 3230** (Harmon) provides tax credits for sales and use tax payments related to research and development in the fields of advanced computing, biotechnology, electronic

device technology, and environmental technology. Rep. Harmon said the parties are still working to address the fiscal note. The bill was rolled to the last calendar.

**HB 2513** (McKee) adds McMinn County to the list of counties where motor vehicle racing is permitted no more than three days a week. If racing is conducted on those three days, one of the days must be a Sunday. Rep. McKee said that the bill needs to go back to the garage for a little more tuning up. The bill was rolled for one week.

**HB 3330** (Bowers), as revised by an amendment the committee adopted last week, had required insurers that provide hospital expense and surgical or medical expense coverage to cover the insured for medical treatment regardless of being intoxicated or under any narcotic. However, the committee withdrew that amendment this week and adopted another that the sponsor brought that has the same effect except for limiting the coverage to emergency treatment and follow-up treatment relative to the emergency condition.

Even though insurance lobbyists claimed in subcommittee and full committee that their clients do not deny treatment for these reasons, Rep. Bowers has argued the bill, brought on behalf of the MED in Memphis, addresses an actual problem the hospital faces. When asked which companies are denying coverage, John Farris, representing the MED, said he did not have the company names but that the problem has happened in the past. He suggested last week that perhaps the larger companies do not refuse treatment but that some smaller ones do.

Dan Elrod, representing United, Aetna, and Cigna, said the bill is not so much a concern since his clients do not deny coverage for the stated reasons. However, he did say that unintended consequences potentially exist in that the bill, particularly in the "follow-up treatment" language, may override provisions in insurance policies that limit coverage based on drugs or alcohol. He asked that a sentence be included that effectively states that any such coverage shall be subject to policy limitations. The committee chose to adopt that statement, as well as the sponsor's amendment, into one incorporated amendment. After further discussion, the bill was rolled one week.

### **Industrial Impact Subcommittee**

The **Industrial Impact Subcommittee** reopened on Tuesday for **one meeting only** to consider eight bills. Of those, four were sent to the full committee:

**HB 3145** (R. Johnson) deals with the issuance of title insurance and the selling or exchange of such insurance by out-of-state entities that may not be familiar with Tennessee title law. With the amendment, the bill prohibits such activity by out-of-state agents unless the commitment or policy of title insurance is countersigned by 1) a resident of this state holding an effective license to issue title insurance, or 2) someone representing an entity with an effective certificate of authority issued by the state, and with an agent subject to service of process. A second amendment was not considered at the sponsor's request; the bill was moved to full committee with an understanding that the issues raised by the second amendment would be worked out by all parties involved.

**HB 3589** (Hargrove) expands the definition of "charitable organizations" so that if those organizations purchase or receive by assignment before, on or after April 23, 1992, life insurance on a consenting person, they will be deemed to have had an insurable interest in the insured person's life on the date of the purchase or assignment. The expanded definition includes:

- a §501(c)(3) organization,
- any organization to whom a contribution can be made under Internal Revenue Code §170(c), *or*
- any trust, partnership, limited liability company or any other approved beneficiary or owner of the life insurance by the 501(c)(3) or 170(c).

Rep. Hargrove asked that the bill be moved to full committee where the members can hear from third party interests who wish to speak on the proposed legislation.

**HR 0328** (McMillan) is a statement of intent to continue negotiation and discussion among House, Senate, administration and cable interests on a cable channel devoted to governmental affairs. The resolution was substituted for **HB 3464**, also on the calendar, which addressed the same issue.

**HB 1693** (Bowers) is a TennCare bill initially written to require the Bureau to report to Oversight on enrollees terminated during the '02-'03 reverification initiative. As amended, the bill extends the life of the TennCare Oversight Committee to 2009.

Another TennCare bill, HB 1651 (Stanley) failed to receive a second on the motion to move it to full committee, but the committee agreed that its subject matter would be studied as part of the TennCare reform on pharmacy. The bill, as amended, is a "pharmacy

lock-in bill" addressing the issue of "pharmacy shopping," member abuse, and overutilization. Representatives of the TennCare Bureau told the subcommittee that

under current rules and regulations, there is a lock-in policy in place and that new technology is identifying those persons and their status. Rep. Stanley called the legislation an "anti-fraud" bill

and said that if it were to be put into statute, those safeguards would be in place. The committee will make the issue a part of the study to be undertaken during the summer and fall months.



*Rep. Stanley*

Also sent for further study was HB 2923 (J. DeBerry), which prohibits TennCare from restricting access for prescription medications for enrollees suffering from certain mental illnesses and emotional disturbances. HB 2732 (Bunch), on making health care insurers' rate schedules available to providers and their attorneys upon written request, was taken off notice.

The subcommittee remains closed subject to the call of the chair.

### **Utilities and Banking Subcommittee**

The **Utilities and Banking Subcommittee** sent one bill to full committee at its meeting on Tuesday. **HB 1881** (Todd) originally created the Tennessee Health Insurance Risk Pool. An amendment re-writes the bill to authorize the Department of Commerce and Insurance to conduct a study into the need for such a risk pool and report its findings to the House and Senate Commerce committees by March 1, 2005.

- Rolled:

**HB 1208** (DuBois), which directs the TRA to create a registry for those not wanting to receive unsolicited e-mail messages, was rolled for one week.

**HB 2569** (Hackworth), if amended by the sponsor's proposed amendment, would re-write the bill to allow the state to provide tax credits up to 25 percent to firms for performing qualified research. Such research is defined in the amendment as technological in nature and intended for the development of a new or improved business component. The bill was rolled for one week.

**HB 3032** (Brown) creates a seven-member commission for minority economic and community development. The Black Caucus would appoint two members, while the governor would appoint five from various colleges and the Department of Economic and Community Development. The bill was rolled one week.

### Small Business Subcommittee

The Small Business Subcommittee is closed.

## **Conservation & Environment**

*Greg E. Adkins*

### Full Committee

The **full Environment Committee** met on Tuesday, April 20, 2004, and considered twelve bills. **HB 1047** by Rep. McCord passed to C&R as amended. The amendment rewrites the bill and changes current law that states hunting signs shall be placed at all major points of ingress and at 250-yard intervals on the perimeter of real property being marked. The amendment removes the 250-yard requirement. **HB 1573** by Rep. Buck passed to C&R as amended. The amendment extends free sport fishing from one day to one weekend. **HB 3037** by Rep. Head passed to FW&M. The bill deletes obsolete start-up language from the Petroleum Underground Storage Act. **HB 3067** by Rep. Hagood passed to FW&M as amended. The amended bill would appropriate \$6 million from the general fund to pay for incentives of 30 cents a gallon to ethanol producers who purchase grain from Tennessee in order to make motor fuel that contains at least 10% ethanol. The amendment also makes biodiesel applicable to the new act. **HB 3136** by Rep. McCord passed to FW&M as amended. The amended bill changes "maximum" amount of matching funds of \$35,000 to a "minimum" amount of funds relative to development of regional plans for tourist promotion. **HB 3193** by Rep. Garrett passed to FW&M as amended. The amended bill restores distribution of transfer tax to certain environmentally oriented funds. The amendment also changes the effective date to 2005. **HB 3498** by Rep. McMillan passed to FW&M as amended. The amendment rewrites the bill and authorizes the Air Quality Control Board to expand the Inspection and Maintenance Program (I&M) to achieve and maintain ozone attainment status in counties designated by the EPA to be in non-attainment. **HB 39**

by Rep. Head passed to C&R as amended. The amendment rewrites the bill to authorize that no inspection of a pre-existing subsurface sewage disposal system shall be required from TDEC on property where any single family dwelling, mobile or permanent, is remodeled or added on to by current family members of the single family dwelling unit.

The following bills were taken off notice:

(1) **HB 871** by Rep. Johnson R., (2) **HB 2731** by Rep. Bunch, and (3) **HB 3096** by Rep. Todd.

**HB 3496** by Rep. McMillan passed to FW&M as amended. This bill is described in the Environment Subcommittee report below.

### Environment Subcommittee

The **Environment Subcommittee** opened back up on Tuesday, April 20, 2004 after the full committee met. The subcommittee passed **HB 3496** by Rep. McMillan as amended. The amendment rewrites the bill to make solvent the Petroleum Underground Storage Tank Fund. The bill as amended requires that TDEC pay outstanding debts that are owed. The amendment also authorizes a fund maintenance fee of \$400 for a smaller single facility that has one to five tanks, and a fee of \$710 for a facility that has over six tanks. Stiffer enforcement provisions and tighter administrative controls are included in the legislation.

### Parks Subcommittee

The **Parks Subcommittee** is closed subject to the call of the Chair.

### Wildlife Subcommittee

The **Wildlife Subcommittee** is closed subject to the call of the Chair.

## **Consumer & Employee Affairs**

*Shannon Romain*

The **full committee** did not meet this week and the **Consumer Subcommittee** is closed, however, the **Employee Affairs Subcommittee** met. **HB 3531** (Rep. McMillan), the workers compensation bill, was introduced as an addendum to the calendar. The

legislation was referred to the full committee with a recommendation for an amendment that rewrites the bill.

After some discussion on the amendment, Rep. McMillan's motions to adopt the amendment and refer the bill to the full committee were adopted by the committee. According to the sponsor, a number of persons are scheduled to testify on the legislation. Referring the bill out of the subcommittee would save them from having to testify before both committees and would give the entire committee an opportunity to consider the legislation.

The following bills by Rep. Turner (Davidson) were deferred one week:

**HB 2164      HB 3197      HB 3198**

The following bills by Rep. Fitzhugh were deferred to the last committee calendar:

**HB 3168      HB 3172      HB 3401**

**HB 2403** (Rep. Mumpower) was taken off notice and **HB 0421** (Rep. McDaniel), prohibiting local governments from requiring private employers to pay a minimum wage higher than the mandated state and federal minimum wages, failed for lack of a second.

## **Education**

*Pam Mason*

### **Full Committee**

The **House Education Committee** met Wednesday, April 21. There were twenty bills on its calendar with the following action taken.

Referred to **Calendar & Rules**:

**HB 2158** - (Newton) adds the TN Education Lottery Corporation to those committees reviewing the Governor's proposals for education programs before final action by the Finance, Ways and Means committees in both Houses.

**HB 2853** - (Winningham) requires any public university foundation to adopt a code of ethics. This bill further provides procedures for removal of any board member who violates the code.

**HB 3261** - (Winningham) allows TEA president leave from school system where employed during term of presidency.

**HB 2561** - (Winningham) provides that state value added tests are to be administered by a charter school.

**HB 2429** - (Winningham) clarifies that commissioner of the Department of Education shall not waive any requirements of the charter school law.

Referred to **Calendar & Rules, if amended**:

**HB 3341** - (Maddox) requires the State Board of Education and the Department of Education study the need for a policy addressing students who are in the custody of both parents and alternate residence between both parents during school term. The study should be completed and a report given to the Chairs of the House and Senate Education committees by May 15, 2004.

Referred to **Finance, Ways & Means**:

**HB 808** - (McKee) allows full-time certified teachers and nursing students to take free courses in the areas of teaching or nursing at public institutions of higher education.

**HB 2262** - (Cooper) reimburses teachers certified by the National Board for Professional Testing Standards an amount up to \$2,000.

**HB 2409** - (Winningham) requires the director of each LEA serving non-Title I schools placed on probation to notify parents of students, belonging only to subgroup or subgroups not meeting standards for adequate yearly progress, of their option to transfer their child to another public school in that system.

Referred to **Finance, Ways & Means, if amended**:

**HB 2867** - (Fitzhugh) includes the TN Foreign Language Institute with those where state employees may take one (1) free course per term. Reimbursement will be from existing funding. Amended to change the effective date to 2004.

**HB 2960** - (Lynn) requires each public school nurse employed by an LEA to maintain certification through a CPR course. This course shall be consistent with the American Heart Association in collaboration with the International Liaison Committee on Resuscitation. This shall be done at the nurse's expense. If a public school does not have an employee or volunteer certified in CPR, then the school shall have at least one person who has taken an orientation to CPR. The amendment rewrites the bill.

Deferred 1 week:

**HB 3048** - (Kent)  
**HB 2861** - (Brooks, Harry)  
**HB 2976** - (Jones, U.)  
**HB 1432** - (Brown)  
**HB 2854** - (Winningham)  
**HB 482** - (Winningham)  
**HB 487** - (Winningham)

**HB 2783** - (Fowlkes) addressing nutritional content of vending machines in K-8 public schools was discussed and an amendment rewriting the bill was adopted. The bill was then deferred for one (1) week for final action.

Deferred 2 weeks:

**HB 3126** - (Hagood)

### **Higher Ed Subcommittee**

**Higher Ed Subcommittee** met at its Tuesday meeting with fifteen bills on its calendar. The following bills were taken off notice.

**HB 2205** - (Stanley)  
**HB 3001** - (DuBois)  
**HB 2185** - (Dunn)

The remaining bills on the calendar all address the Tennessee Lottery.

Due to new proposals presented this week, Chairlady Brown moved that all such



bills be deferred one (1) week. They include.

**HB 2514** - (Pinion)  
**HB 2687** - (Curtiss)  
**HB 2688** - (Curtiss)  
**HB 2174** - (Turner, L.)  
**HB 2134** - (Newton)  
**HB 3351** - (Newton)  
**HB 2321** - (Hargett)  
**HB 2530** - (Sharp)  
**HB 2964** - (Lynn)  
**HB 2542** - (Fowlkes)  
**HB 2562** - (Winningham)

**HB 2325** - (Brown)

### **K-12 Subcommittee**

The **K-12 Subcommittee** took the following actions at its Tuesday meeting.



Referred to Full Committee, if amended:

**HB 2979** - (Towns) as amended requires the Select Oversight Committee on Education to study the No Child Left Behind accountability plan and report to the Governor and General Assembly each year.

Failed in Subcommittee:

**HB 3380** - (Montgomery)

Deferred one (1) week:

**HB 3456** - (McMillan)  
**HB 2628** - (Black)  
**HB 2818** - (Turner, L.)  
**HB 2819** - (Turner, L.)  
**HB 2422** - (Kernell)  
**HB 1302** - (Hackworth)  
**HB 3006** - (Armstrong)  
**HB 2844** - (Newton)  
**HB 3210** - (Newton)  
**HB 2224** - (Newton)  
**HB 1433** - (Brown)

Taken off notice:

**HB 2308** - (Turner, L.)  
**HB 2309** - (Turner, L.)  
**HB 2427** - (Winningham)

## **Finance, Ways & Means**

*Julie Travis*

**House Finance, Ways, and Means Committee**  
**Tuesday, April 20, 2004**

The full committee met on Tuesday to discuss 14 bills on the full committee's Regular and calendar.

**HB 3176 (McMillan), HB 3529 (McMillan), and HB 3539 (McMillan/Fitzhugh)** were rolled for one week.

**HB 2387** by **Representative Curtiss** was taken off notice.

The motion to reconsider **Representative Towns's HB 1166** failed.

**The following bills were referred to Calendar and Rules Committee:**

**HB 2400 (Hargrove)** -- As amended by both the Commerce and Finance Committees, this bill provides that those persons licensed within the State as a Real Estate broker or affiliate broker, upon registration with the TRA would be considered duly registered and allowed access to the *Do Not Call Register*. They would not be required to pay the annual registration fee.

**HB 3345 (Armstrong)** -- As amended in the Budget Subcommittee, this bill provides a use tax exemption on the federal government's personal property that is temporarily used by a contractor or subcontractor on a federal contract awarded under the Small Business Innovation Research Program. The exemption would only apply to property that is the subject of the test being performed and property into which the subject of the test must be incorporated before the testing can occur. The exemption would not apply to equipment, machinery or other property used to conduct the test.

**HB 2334 (Bowers)** -- As amended by the State and Local Government Committee, this bill requires the Commissioner of Finance and Administration to promulgate regulations to authorize a preference in the evaluation of proposals for state contracts that require the performance of data entry or call center services for vendors through which such services will be solely provided by citizens of the United States who reside in the United States.

**HB 3099 (Jones U)** -- This bill, as amended by the State and Local Government Committee, authorizes retail sellers of alcoholic beverages to offer, without charge or cost, samples of alcoholic beverages and spirits to consumers on their licensed premises by requiring a variety of measures.

**HB 2762 (Head)** -- As amended by the State and Local Government Committee, this bill increases certain alcoholic beverage license fees. The amendment allows the alcoholic beverage commission to retain the funds collected from license fees for the purpose of the administration and enforcement of the duties, powers, and functions of the commission.

**HB 3514 (McMillan/Overbey)** -- As amended by the Judiciary Committee, this bill allows all judicial proceedings under Title 33 to be conducted using audio-video communications without the physical presence of the defendant, plaintiff, witnesses or attorneys before the court. The use of audio-video communication would be at the discretion of the court, would require the agreement of all parties and would be subject to the availability of suitable equipment. The bill also allows pleadings and certificates of need to be delivered to the court by telefax transmission. Furthermore, the amendment makes a clarification in regard to proceedings involving the emergency involuntary admission of a person for inpatient treatment.

**HB 2327 (McDonald)** -- This bill, as amended in the Conservation and Environment Committee, directs the Water Resources Division of TDEC to investigate the need for public water systems in rural areas of Tennessee. TDEC is required to report to the Chairs of the Conservation and Environment Committees of the House and Senate by January 31, 2005.

**HB 3213 (Fitzhugh)** -- This piece of legislation allows utility district commissioners to participate in the insurance plan for local governments and quasi-governmental organizations.

**HB 2353 (Overbey)** -- As amended by the Budget Subcommittee, this bill requires the judicial council to appoint a committee to study and make recommendations regarding court costs, including recommendations to make court costs more uniform. The bill specifies that the report of such committee shall be filed with the chairs of the House and Senate Judiciary Committees by January 17, 2005.

**Budget Subcommittee**  
**Wednesday, April 21, 2004**

The Budget Subcommittee of the House Finance, Ways, and Means Committee met to discuss 55 bills on the regular subcommittee calendar and eight bills on the addendum calendar this week.



**Actions of the Budget Subcommittee are as follows:**

Action on the following bills was deferred for one week: **HB 3449 (McMillan)**, **HB 3467 (McMillan/Coleman)**, **HB 2917 (West)**, **HB 3028 (Head)**, **HB 2565 (Winningham)**, **HB 2659 (Briley)**, **HB 2973 (Bowers)**, **HB 3542 (McMillan/Head)**, **HB 952 (Tidwell)**, **HB 3366 (DeBerry J)**, **HB 2566 (Winningham)**, **HB 2672 (Winningham)**, **HB 2910 (West)**, **HB 3005 (Armstrong)**, **HB 2850 (Cochran)**, **HB 3547 (McMillan/Head)**, **HB 3548 (McMillan/Head)**, **HB 3549 (McMillan/Head)**, **HB 3550 (McMillan/Head)**, and **HB 3551 (McMillan/Head)**.

The Subcommittee first amended and then deferred action on **HB 306 (Stanley)**, **HB 3233 (McKee)**.

Bills that were placed behind the budget include **HB 3468 (McMillan)**, **HB 76 (Buck)**, **HB 3291 (Head)**, **HB 2831 (Hood)**, **HB 131 (Buck)**, **HB 166 (Harwell)**, **HB 560 (Brooks, Shelby)**, **HB 565 (Brooks, Shelby)**, **HB 3169 (McMillan)**, **HB 1678 (Jones S)**, **HB 3471 (Miller L)**, **HB 1972 (Davis/Patton)**, **HB 3403 (Hargrove)**, **HJR 1009 (Cobb)**, **HB 3164 (Fitzhugh)**, **HB 3398 (Newton)**, **HB 3128 (Windle)** and **HB 3429 (Fowlkes)**.

**Representative L. Miller's HB 2864** was taken off notice.

**HB 3377 (Fitzhugh)** was referred to Speaker Pro Tempore DeBerry's committee on special study committees, and **Representative Hagood's HB 2589** was referred to the special calendar concerning Veterans' affairs.

**The following bills were referred to the full Finance, Ways, and Means Committee:**

**HJR 818 (Rinks)** -- Proposes to amend the Constitution (Article XI, Section 9) relative to the consolidation of governmental and corporate functions vested in municipal corporations and vested in the counties. The constitutional amendment would be referred to the 104<sup>th</sup> General Assembly and published by the Secretary of State. *The costs associated with the resolution are to be funded, subject to an appropriation, from the Secretary of State's budget.*

**HB 2519 (Turner M)** -- As amended by the Commerce Committee, this bill allows Commission members to receive a per diem of \$50 plus travel costs for attending a commission meeting and removes the \$300 annual per

member cap, subject to funding available in the Commission's budget for the fiscal year the payments would be made. Currently, members receive only travel costs. *This bill was moved to the full committee with the strict proviso that a funding letter would be sent posthaste to the House Finance Committee office from the Dept. of Commerce and Insurance, stating that the department recognizes that the costs of the bill would be absorbed within the department, (and supports such an action), otherwise the bill would be re-referred to the Budget Subcommittee at the next full committee meeting.*

**HB 1474 (Briley)** -- This bill, as amended by the Judiciary Committee, is discretionary legislation for law enforcement officers and highway patrolmen to include animal behavior training courses in any annual in-service training. Under the bill, certification training of peace officers may include animal behavior instruction. Also, officers may be required to complete animal behavior courses as part of in-service training if such officers were employed prior to the time when the course was established.

**HB 643 (Maddox)** -- As amended by the Budget Subcommittee, this bill provides a sales tax exemption for the sale of helicopters and related equipment within Tennessee to purchasers who are not residents of the state when such helicopters and related equipment are intended to be moved outside Tennessee following a sale, repair, or refurbishment. To qualify for the exemption, the helicopter must be removed from the state within 15 days of completion of any repairs or refurbishments. Currently, to qualify for the exemption, in the case of a sale of a helicopter, it must be removed from the state within 15 days from the date of purchase.

**HB 3240 (Wood)** -- This bill, as amended by the Commerce Committee, prohibits a privately owned public utility that supplies water to a municipal government from charging that government for hydrant services when the government provides fire protection services. To recover its costs, the utility may, following a rate proceeding by the TRA, charge non-municipal government customers within the area. The municipal government shall reimburse the state for any increase in expenditures up to \$50,000 resulting from this bill.

**HB 3301 (Armstrong)** -- Provides a franchise and excise tax exemption for corporations or limited liability companies controlled by a non-profit entity, organized for the purpose of preserving or rehabilitating a property listed on the National Register of Historic Places, provided the property is used in the performance of the exempt function of the controlling non-profit entity.

*(The fiscal note for this bill reflected a decrease in state revenues of less than \$20,000. This bill was passed with the proviso that the funding for the bill would be deducted from the capital outlay in the Governor's Budget for Knoxville's \$750,000 local community grant for the preservation of Knoxville's historic "Tennessee Theater".)*

**HB 3391 (Briley)** -- As amended by both the Judiciary and Budget Subcommittees, this bill consolidates provisions covering telecommunication theft and theft of cable television services. The bill also redefines these acts as communication theft and expands the definition to include theft of any service lawfully provided for a charge to facilitate the origination, transmission, emission or reception of signs, signals, data, writings, images, and sounds or intelligence by any method, including but not limited to, telephone, television, satellite, and Internet distribution system, network or facility. Some exceptions from this law are granted for non-profit libraries, archives, educational institutions, songwriters, music publishers, and artists/performers.

**HB 3503 (McMillan/Hackworth)** -- This bill changes the industry coding system used to determine the reserve ratio on which Tennessee's unemployment insurance new employer rates are based from the Standard Industrial Classification (SIC) Codes to the North American Industry Classification System (NAICS), effective July 1, 2004.

**HB 861 (Bunch)** -- As amended by the Children and Family Affairs Committee, this bill requires the Dept. of Human Services to review a child support order every three years upon request by either party. The department is to conduct the review even if there is no proof of any change in circumstances. If there is a significant variance between the order and the current support guidelines, the department is to seek adjustment of the order. If there is a substantial change in circumstances between the three-year cycle, the department is to review the order and seek an adjustment if warranted.

**HB 1149 (DeBerry J/Sontany)** -- This bill, as amended by the Health and Human Resources Committee, authorizes the Massage Licensure Board to create minimum standards for, and take disciplinary action against, schools of massage therapy. Per diem compensation is increased from \$50 to \$100.

**HB 3364 (Sontany)** -- Allows a county or municipality, by a resolution or ordinance adopted by a two-thirds vote of its legislative body, to establish and implement a plan authorizing the jail or workhouse administrator to charge an inmate committed to such jail or workhouse a

nominal fee for various services. However, the bill makes it clear that no service will be withheld from any inmate if the inmate can't afford such services.

**HB 3365 (Sontany)** -- Allows a county or municipality, by resolution or ordinance adopted by a two-thirds vote of its legislative body, to establish and implement a plan authorizing the jail or workhouse administrator to charge an inmate a co-pay amount for substance abuse treatment provided to the inmate by the county or municipality by a licensed provider. Currently, jails and workhouses are authorized to charge a co-pay for medical services, treatment, and pharmacy services. Inmates may not be denied services solely on the basis that the inmate is unable to pay the co-pay.

**HB 3383 (Kernell)** -- As amended by the Conservation and Environment Committee, this bill clarifies the geographic size of the Lucius E. Burch, Jr. Natural Area as 788 acres located within Shelby Farms Forest Park in Shelby County. The amendment also requires TDEC to give notice and opportunity for public comment on any proposal to designate new natural area or modify the natural area.

**HB 3216 (Kent)** -- As amended by the State and Local Government Committee, this bill requires counties that are in an early action compact or an non-attainment for air quality according to the EPA to adopt a section of their land-use plan which states that air quality issues will be considered as apart of the county-wide land-use plans. The amendment requires any such county whose population is 60,000 or more that does not have a land-use plan to adopt one meeting these requirements. (The bill, as amended, now only applies to Sevier County.)

**HB 3344 (Armstrong)** -- This bill, as amended by the Health and Human Resources Committee, defines a leisure pool according to size of the pool, property size, usage for corporate or group events, and recreational activities specified in the amendment. A leisure pool will be licensed as a Type B swimming pool by the Department of Health and will meet operational requirements concerning hours of operation and allowable noise levels for events. Other than the provisions outlined in the operational requirements, all other laws or rules applicable to public swimming pools will apply to leisure pools.

**HB 2673 (Stanley)** -- Authorizes Davidson and Shelby Counties to impose a local litigation tax up to \$6.00 in civil and criminal cases in general sessions courts. Funds are to be deposited in the county general fund and earmarked to fund the general sessions judges' salaries.

Existing law allows all counties, except Davidson and Shelby Counties, to impose such tax, subject to two-thirds vote of the county legislative body.

**HB 3397 (Stanley)** -- As amended by the Judiciary Committee, this bill revises the law concerning persons who knowingly fail to appear at court, penal institutions, or other official proceedings when directed to appear by a lawful authority. As amended, failure to appear includes instances in which the person has been lawfully issued a criminal summons or has been lawfully commanded to appear for booking and processing pursuant to a criminal summons.

**HB 2747 (Fitzhugh)** -- An amendment by the Council on Pensions and Insurance makes the bill and gives a new employee of a state-supported institution of higher education 30 days from the date of employment to designate membership in the Tennessee Consolidated Retirement System (TCRS) or the Optional Retirement Program (ORP).

**HB 3104 (Hood)** -- This bill, as amended by the Transportation Committee, enacts a primary seatbelt law, in which an individual could be pulled over for only a seatbelt violation.

**HJR 990 (Dunn)** -- Proposes to amend Article XI of the Constitution of Tennessee, relative to the marital contract between one man and one woman. The amendment shall be referred to the 104<sup>th</sup> General Assembly and this resolution proposing such amendment be published by the Secretary of State in accordance with Article XI, Section 3, of the Constitution of Tennessee. *The costs associated with the resolution are to be funded, subject to an appropriation, from the Secretary of State's budget.*

## **Government Operations**

*Kristina Ryan*

The **Government Operations Committee** met on Tuesday morning to discuss six bills on the calendar.

**HB 2977** by Representative Miller was taken off notice.

The committee reviewed and referred **HB 2385** by Representative Curtiss to the Judiciary Committee. The bill, as amended, would require that the Commissioner of Environment and Conservation compile and maintain a list of certified industrial hygienists and a list of persons authorized to perform clean-up of hazardous

waste sites relating to the manufacture of methamphetamine. In addition, the Commissioner of Environment and Conservation would be authorized to promulgate rules and regulations for the implementation of this legislation.

**HB 2448** by Representative Kernell was referred to the Calendar and Rules Committee. This sunset legislation would re-authorize the Tennessee Emergency Management Agency (TEMA) for four years until June 30, 2008.

- The following bills were rolled for one week:

**HB 2721** by (DeBerry, J.) - This bill would prohibit agencies from promulgating rules and regulations that affect legislation from the previous session if the General Assembly is out of session, with the exceptions of emergency or public necessity rules.

**HB 94** (Towns) - If amended by the sponsor's proposed amendment, this legislation would re-establish the Tennessee Racing Commission.

**HB 3486** (McMillan) - This administration bill prohibits the issuance of a driver's license to persons who have illegally entered the United States and creates a "certificate for driving" for persons who are legally present in the United States but cannot establish their legal status.

## **Joint Government Operations Subcommittee Meetings**

- The **General Welfare, Health and Human Resources** joint subcommittee of the Government Operations Committee will meet **1:00pm on Monday, April 26th** in LP 29 for the review of the TennCare Claims Processing Panel and the Advisory Committee on Women's Health.
- The **Education** joint subcommittee of the Government Operations Committee will meet at **2:00pm on Monday, April 26th** in LP 29 to review the Tennessee Board of Regents.

## **Health & Human Resources**

*Judy Narramore*

## **Full Committee**

The **Health & Human Resources Committee** met at noon on Tuesday, April 20, 2004, with 10 bills and one resolution on calendar. Pursuant to House Committee Rule 80 (13), the motion to recall **SJR 0127** (Rep. M. Turner) from the Public Health & Family Assistance Subcommittee was the first order of business. When recognized, Rep. Turner withdrew his motion to recall SJR 0127 from the subcommittee, stating he did not have the votes.

**HB 2249** by Rep. Curtiss as amended was referred to FW&M. The amended bill allows the Department of Health to investigate a residential home for the aged, an assisted care living facility, or an alcohol and drug treatment center that is allegedly operating without a license. The Department is authorized to provide notice that licensure application is required within 30 days, to initiate injunctive relief, and to issue cease and desist operations orders.

Rep. Cooper presented **HJR 1062** that creates a special joint committee of three House members and three Senate members to study the new delivery method of cardiopulmonary resuscitation that utilizes chest compressions only. After responding to several members' concerns, Rep. Cooper rolled the resolution one week for consideration of amendatory language.

Testimony on **HB 3512** by Rep. McMillan, Rep. Armstrong (fraud in the TennCare program/Office of TennCare Inspector General) was continued from last week's meeting, with Jim Shulman, Bureau of TennCare, responding to questions until committee time expired. The bill was rolled to next week's calendar for further testimony and discussion.



*Jim Shulman*

The following bills were rolled one week at the request of the respective sponsors: **HB 3463** by Rep. McMillan (scope of practice for dentists and dental assistants), **HB 3450** by Rep. McMillan (CON for replacement facility applications), **HB 2350** by Rep. Briley (nursing home personal needs allowance for Medicaid patients), **HB 3131** by Rep. Briley (client billing for laboratory services), and **HB 3003** by Rep. Odom (permanent cosmetic technicians, operators, and salons).

Three bills were rolled to the committee's last calendar at the request of the respective sponsors: **HB 3159** by Rep.

DuBois (professional identifications), **HB 2757** by Rep. Pruitt (merging functions of agencies serving the elderly and disabled into a single entity), and **HB 3343** by Rep. Armstrong (creates Department of Aging and Disability).

### **Public Health & Family Assistance Subcommittee**

The **Public Health & Family Assistance Subcommittee** met Wednesday morning, April 21, and considered three bills. **HB 3368** by Rep. J. DeBerry as amended was referred to full committee. The amended bill requires that all vehicles used by child care centers to provide transportation for six or more children will be equipped with a child safety monitoring device by January 1, 2005. DHS is authorized to establish a grant program of private funding to help subsidize the cost of the devices. **HB 3591** by Rep. West that exempts occasional food sales of 125 consecutive hours or less at senior citizen centers from the statutory definition of food service establishments was referred to full committee. **HB 3592** by Rep. Pinion that rewrites portions of the abortion statutes was referred to full committee 7-1-1 on a roll call vote. **HB 3592** would rewrite restrictions in the abortion statutes found to be unconstitutional by Tennessee Courts in a manner that attempts to comply with constitutional requirements of the



*Rep. Pinion*

relevant court decisions. This bill continues to require a licensed physician to perform the procedure, removes the second trimester hospitalization requirement in current law, allows information necessary for informed written consent to be provided by a physician or other appropriate health care professional, requires a 24-hour waiting period after the woman receives the required information before an abortion can be performed, and creates an exception to the informed consent and waiting period when necessary to preserve the life or health of the woman. The Attorney General has opined that **HB 3592** is defensible under the U.S. Constitution and defensible under the Tennessee Constitution (No. 04-068). When questioned about possible amendments, Rep. Pinion stated that given the Attorney General's Opinion on the bill as introduced, he would not accept any committee or floor amendments to **HB 3592**.

### **Mental Health Subcommittee**

The **Mental Health Subcommittee** is closed subject to the call of the chair.

### **Professional Occupations Subcommittee**

The **Professional Occupations Subcommittee** is closed subject to the call of the chair.

### **Health Care Facilities Subcommittee**

The **Health Care Facilities Subcommittee** is closed subject to the call of the chair.

## **Judiciary**

*Paige Edwards*

### **Criminal Procedure & Practice Subcommittee**

On Tuesday, the **Criminal Procedure & Practice Subcommittee** held its final meeting of the legislative session to consider nine bills. HB 2663 by Representative Johnson (Loudon) was taken off notice. HB 2734 by Representative Bunch and HB 3021 by Representative Jones (Davidson) were rolled. As stated by Representative Windle, the bills that were rolled may be considered at a future date if the subcommittee reconvenes before the end of the legislative session.

The following six bills were approved for passage and **referred to the full committee**:

- **HB 2209** by Representatives Winningham and Johnson (Loudon) imposes an additional \$10 fee for each misdemeanor drug case and an additional \$100 fee for each felony drug case. The proceeds collected from these fees would fund the operations for local district attorneys in counties with high caseloads for prosecuting methamphetamine cases.
- **HB 2210** by Representative Johnson, as amended, authorizes local law enforcement, state police, or the TBI to post a written warning giving notice that property is a hazardous substance site contaminated by the manufacture of methamphetamines. When the notice is posted, the property owner would be prohibited from selling, leasing, occupying, or transferring the property until such site is cleaned and assessed by a certified industrial hygienist. A violation of this bill would be punishable as a Class A misdemeanor.

- **HB 2405** by Representative Mumpower, as amended, requires DUI offenders to obtain a designated license plate while driving on a restricted license. The license plate would be attached to each vehicle equipped with an interlock device and would remain on the vehicle for the entire period in which the offender is driving on a restricted license or for one year, whichever is longer. The design of the license plate would consist of a yellow background and red letters. The offender would bear the cost of the license plate or plates at the price to be determined by the department of safety. As amended, the department of safety would issue an additional car tag for use by licensed family members who are not DUI offenders. The **Joint Ad Hoc Committee on Issues Involving Alcohol & Citizen Responsibility** did not provide a recommendation for **HB 2405**.
- **HB 2664** by Representative Johnson (Loudon), as amended, imposes limits on the sale of products that contain ephedrine or pseudoephedrine for the purpose of deterring the manufacture of methamphetamines. This bill requires drugs containing ephedrine or pseudoephedrine to be displayed behind a checkout counter or within 20 feet of an attended checkout counter or employee, unless the retail establishment uses an anti-theft system. This bill would preempt local ordinances or regulations governing the sale of drugs containing ephedrine or pseudoephedrine to the extent that such ordinances or regulations are more restrictive. This bill encourages retail establishments to participate in the TBI's meth watch program.
- **HB 3332** by Representative Bowers amends the definitions of rape and aggravated sexual battery to include situations that involve K-12 students. Rape would mean sexual penetration of a K-12 student when the defendant is a school employee or a person having authority or control over the victim. Aggravated sexual battery would include sexual contact of a K-12 student by the defendant who is an employee or volunteer in a K-12 institution. Under this bill, facilitating the rape of a student would be punishable as a Class D felony.
- **HB 1371** by Representative Brooks (Shelby), as amended, establishes a statewide pretrial release program called the "Pretrial Release Services Program Act of 2004." This bill lists objectives and a prioritized list of offenses that would qualify an offender for admittance into a pretrial release or pretrial services program. This bill prohibits felons from entering a pretrial release or pretrial services program without judicial review and a criminal history records check. The provisions of this bill

would also apply to circumstances in which a person is released pending trial or upon execution of an unsecured appearance bond.

### **Constitutional Protections Subcommittee**

On Tuesday, the **Constitutional Protections Subcommittee** met to consider six bills. HB 914 by Representatives Hargett and Stanley was rolled for one week. HB 2775 by Representative Buttry and HB 3269 by Representative Hargett were taken off notice. HB 2965 by Representative Lynn failed to receive enough votes for passage.

The subcommittee referred **HB 3324** by Representative McCord to the full committee. This bill revises the present law relating to do not resuscitate (DNR) orders. As amended, this bill adds that EMTs and paramedics may honor a valid DNR bracelet or necklace when responding to a call for assistance.

Also, the subcommittee referred **HB 2958** by Representative Lynn to the full committee. As amended, this bill prohibits public viewing of visual autopsy records. The coroner may continue to document autopsies for the official record. This bill provides exceptions authorizing the release or production of visual autopsy records, including to the next of kin and in criminal investigations.

Note: The **Constitutional Protections Subcommittee** will hold its final meeting on Tuesday, April 27, 2004 at 1 p.m. in HHR 29 to consider HB 914 by Representatives Hargett and Stanley.

### **Judicial Administration Subcommittee**

On Tuesday, the **Judicial Administration Subcommittee** held its final meeting to consider seven bills. HB 299 and HB 300, both of which are sponsored by Representative Cochran, failed to receive enough votes for passage to the full committee.

The following five bills were approved for passage and **referred to the full committee**:

- **HB 1924** by Representative Bunch revises the present law provision that authorizes the judicial selection commission to nominate persons to fill judicial vacancies. Also, this bill requires all meetings of the judicial selection commission to be open and subject to the open meetings act.

- **HB 121** by Representative Buck, as amended, deletes an antiquated section in the code relating to jail inspectors.
- **HB 298** by Representative Cochran, as amended, requires the attorney general and reporter or district attorney general to inform the governor of ethical conflicts that could arise from employing additional legal counsel.
- **HJR 983** by Representative Cooper requests the Administrative Office of the Courts to study creative sentencing for criminal offenses. The Administrative Office of the Courts would report its findings and recommendations to the General Assembly no later than February 1, 2005.
- **HJR 1055** by Representative Briley proposes a constitutional amendment to amend Article VI, Section 14 of the Tennessee Constitution. The proposal authorizes the General Assembly to establish the maximum fine that may be assessed without a jury. The fine would not exceed \$500. If the proposal were adopted, municipal courts could impose fines greater than \$50.

### **Civil Procedure & Practice Subcommittee**

On Wednesday, the **Civil Procedure & Practice Subcommittee** met to consider 24 bills. HB 2882 by Representative Ferguson was rolled to 2005. HB 3140 by Representative Bone was referred to TASIR. HB 1437 by Representative Overbey, HB 2384 by Representative Curtiss, HB 2750 by Representative Stanley, HB 2974 by Representative John DeBerry, HB 3386 by Representative Briley, HB 3443 by Representative Briley, and HB 2665 by Representative Johnson (Loudon) were taken off notice.

**HB 2166** by Representative Turner (Davidson) and **HB 1454** by Representative Overbey were approved for passage and **referred to the full committee**.

**HB 2166**, as amended, establishes the "Neighborhood Preservation Act." This bill requires property owners to maintain rental property or vacant property at a level that would be acceptable to community standards. If a property owner does not maintain such property, affected property owners could bring an action for damages. This bill applies to Davidson County.

**HB 1454**, as amended, addresses the issue of vicarious liability for health care professionals in teaching hospitals. The issues surrounding this bill were considered by the ad hoc tort reform study committee that met during the interim. Under this bill, a health care

professional would be immune from liability for the acts or omissions of any intern, resident, or fellow in a medical training program of a medical school owned or operated by the state. However, this bill would not absolve or limit the liability of medical professionals for their own acts or omissions or for the acts or omissions of employees.

The remaining bills on the calendar were rolled for one week.

### **Full Judiciary Committee**

On Wednesday, the **full Judiciary Committee** met to consider 43 bills.

The following two bills were referred to **Finance, Ways, & Means**:

- **HB 2859** by Representative John DeBerry, as amended, revises the law when claims for compensation are made to the board of claims for wrongful imprisonment. Under this bill, the board of claims would hear claims for compensation by persons wrongfully imprisoned and granted exoneration. Individuals who are awarded compensation by the board of claims would receive \$100 for each day of incarceration served subsequent to a person's conviction, and the award would not exceed \$1,000,000. The amount awarded would be paid in monthly installments, subject to the claimant's request for a lump sum payment. When the claimant dies, the installment payments would be paid to the surviving spouse and surviving minor children in equal portions. This bill results from a situation in Memphis in which Mr. Clark McMillan was wrongfully imprisoned for 22 years.
- **HB 3182** by Representative Briley, as amended, creates the "Tennessee Serious and Violent Sex Offender Monitoring Act." This bill authorizes the commissioner of correction and the board of probation to jointly establish a serious and violent sexual offender monitoring program within the department of correction. This bill creates a sexual offender monitoring program fund, and \$5,000,000 would be appropriated to the fund within the state treasury. By August 1, 2004, rules, guidelines, and procedures would be developed for the continuous satellite-based monitoring of serious and violent sexual offenders. On or before March 1, 2005, the department of commerce and insurance would report information regarding implementation, standardized procedures, and results of the programs created by

this act to the House and Senate judiciary committees.

The following four bills were referred to **Calendar & Rules**:

- **HB 3094** by Representative Rinks, as amended, creates the "Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004." This act authorizes mutual aid and enhances public safety and homeland security by facilitating assistance among governmental entities in any state of emergency or declared disaster. The provision and receipt of mutual aid and assistance by participating governmental entities would be governed by this act on or after July 1, 2004. Also, this bill authorizes mayors to declare local states of emergency.
- **HB 2288** by Representative Vincent provides a 10-day grace period for landlords to inspect a rental property upon the termination of occupancy for the purpose of charging against a security deposit. Under present law, the landlord has three days in which to inspect the property upon termination of occupancy.
- **HB 2730** by Representative Bunch, as amended, provides language that should be contained in a subpoena. Under this bill, each issued subpoena should state that a party being served must appear and failure to appear may put such party in contempt of court. Also, the subpoena should state the penalties that the party may face when held in contempt of court.
- **HB 2742** by Representative Bunch, as amended, relates to the correction of judgments in general sessions court. The provisions of this bill mirror the rules of civil procedure, Rule 60.



### **State & Local Government**

*Lawrence Hall, Jr.*

## Full Committee

This week in the **State and Local Government full committee, HB 1472**, by Rep. Briley was amended and passed to Calendar and Rules. This bill will allow the continuation of certain land and structure uses unless the establishment ceases to operate for a period of 30 continuous months. After the 30 month period the land and structure must conform to the existing zoning regulations. **HB 3389**, also by Rep. Briley was passed to Finance, Ways, and Means. This bill will allow any art gallery to serve wine at no charge if the gallery does not sell food or beverages and receives 90% of its revenue from the sale of artwork. **HB 2260**, by Rep. Cooper requires the department of correction to provide an orientation to all inmates prior to their release regarding relevant services after being released. **HB 56**, by Rep. Miller was passed to Calendar and Rules. This bill clarifies that the ouster law that removes a public official from office for any form of gambling means for any form of illegal gambling.

## Local Government Subcommittee

**Local Government Subcommittee** heard **HB 3148**, by Rep. Miller. This bill creates a program for certain elderly property owners to transfer their property to the Shelby County Clerk to avoid increases in local property taxes. This bill only applies to Shelby County. **HB 2359**, by Rep. Jones (Shelby) permits taxpayers and owners of industrial and commercial property to appeal directly to the state board of equalization only with the concurrence of local assessor. Both bills were moved to the full committee. **Local Government Subcommittee** is now closed.

**The State Subcommittee and the Elections Subcommittee** are closed.

## Transportation

*Greg E. Adkins*

The **full Transportation Committee** met on Wednesday, April 21, 2004, and considered sixteen bills. **HB 3253** by Rep. Tidwell passed to C&R as amended. The amendment rewrites the bill and extends the effective date of the child passenger restraint safety law to 2006, and mandates that no more than two child restraint systems be used in any seat of a passenger motor vehicle. **HB 3439** by Rep. Hagood passed to

C&R as amended. The amendment prohibits tinted license plate covers. A violation of this act will be a class C misdemeanor. **HB 830** by Rep. Head passed to FW&M as amended. The amendment rewrites the bill to authorize county clerks contracting with the Department of Safety for issuance of driver licenses to charge an additional \$4.00 fee for the clerks' administrative costs. The amendment also urges the Department of Safety to seek alternative methods of contracting for service related to the issuance, examination, and renewal of driver's license. The Department must report about the contracting to the Transportation Committees of the House and Senate by March 1, 2005.

The following highway/building sign bills passed to FW&M:

1. **HJR 1002** by Rep. Newton--"Raymond Bivens Memorial Highway" sign in Meigs County.
2. **HJR 939** by Rep. Maddox--"Paul Carroll Road" sign in Carroll County.
3. **HJR 1011** by Rep. Fowlkes--"Clarence A. Powell Memorial Bridge" sign on U.S. 31A near Henry Horton State Park.
4. **HJR 978** by Rep. Pinion--"Bill Moore Office Building" sign for the TDOT Region IV Office.
5. **HJR 1076** by Rep. Hargrove--"Robert Lynn Draper Bridge" sign in Putnam County.
6. **HJR 1079** by Rep. Johnson R.--"Congressman John J. Duncan Jr./Loudon County Veterans Memorial Bridge" sign in Loudon County.
7. **HJR 1088** by Rep. McCord--As amended "W. Townsend 'Townie' Anderson Highway" sign in Blount County.
8. **HJR 1078** by Rep. Winningham--"James U.L. Scott Memorial Bridge" sign in Jackson County.

The following bills were rolled one week:

- (1) **HB 2588** by Rep. Kernell, (2) **HB 2269** by Rep. Bone, (3) **HB 3212** by Rep. Fitzhugh, (4) **HB 3222** by Rep. Pinion.

**HB 2784** by Rep. Windle was taken off notice.

## Public Safety & Rural Roads Subcommittee

The **Public Safety & Rural Roads Subcommittee** is closed subject to the call of the Chair.

## Public Transportation & Highways Subcommittee

The **Public Transportation & Highways Subcommittee** is closed subject to the call of the Chair.



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